
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Pacific Empire Radio Corp.)	File No. EB-11-PO-0099
Licensee of Station KKBC-FM)	
)	
Facility ID # 24795)	
)	
Baker, Oregon)	NOV No. V201132920034

NOTICE OF VIOLATION

Released: September 8, 2011

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to the Pacific Empire Radio Corp., licensee of radio station KKBC-FM in Baker, Oregon. This Notice may be combined with a further action, if further action is warranted.²

2. On August 11, 2011, an agent of the Enforcement Bureau's Portland Office inspected radio station KKBC-FM located at 2510 Cove Avenue, La Grande, Oregon 97850, and observed the following violations:

- a. 47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participant records, as specified in §§ 11.35(a) and 11.54(b)(13)." There were missing EAS log entries after June 9, 2010. The last EAS log entry was dated June 9, 2010.
- b. 47 C.F.R. § 73.1870(b)(3): "The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files." During the inspection on August 11, 2011, the FCC inspecting agent noted that the person designated as the Chief Operator for KKBC-FM was no longer an employee of KKBC-FM.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, Pacific Empire Radio Corp. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct Pacific Empire Radio Corp. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pacific Empire Radio Corp. with personal knowledge of the representations provided in Pacific Empire Radio Corp.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Portland Resident Agent Office
P.O. Box 61469
Vancouver, WA 98666-1469

6. This Notice shall be sent to Pacific Empire Radio Corp. at its address of record.

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. " 47 C.F.R. § 1.16.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).